

# **Singapore International Commercial Court Practice Directions (Amendment No. 1 of 2020)**

## **Part XIII EXPERT WITNESSES**

### **89. Expert evidence at trial**

(1) The provisions of Order 40A of the Rules of Court shall apply to all aspects of expert evidence.

(2) Generally, at the trial, expert witnesses will give evidence after all the witnesses of fact have been heard. This issue will usually be discussed at the Case Management Conference(s).

(3) Expert witnesses may be examined concurrently as a panel (see paragraph 90 of these Practice Directions). This issue will usually be discussed at the Case Management Conference(s).

(4) Sub-paragraphs (2) and (3) above are subject to the parties waiving their right or rights to submit no case to answer. For the avoidance of doubt, if the parties do not agree to waive their right or rights to submit no case to answer, there will not be concurrent examination of the expert witnesses as a panel.

(5) To avoid doubt, paragraph 111A of these Practice Directions applies where leave is sought for an expert witness who is outside Singapore to give evidence by live video or live television link.

## **Part XVIII EVIDENCE FOR TRIALS AND OTHER HEARINGS**

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[The following paragraph is inserted immediately after paragraph 111.]

### **111A. Giving of evidence by person outside Singapore through live video or live television link in any proceedings**

(1) Any application for leave for any person outside Singapore to give evidence by live video or live television link in any proceedings must be made expeditiously and, in any case, unless the Court otherwise directs, not later than eight weeks before the date of commencement of the hearing at which the person is to give evidence.

(2) A party applying for leave for any person outside Singapore to give evidence by live video or live television link must take note of the relevant legislation and requirements in force in the foreign country or territory where the person is giving evidence. Certain countries or territories may impose prohibitions against, restrictions on, or requirements to obtain permission for or relating to, the giving of evidence by a person in that country or territory for court proceedings in a different country or territory. The party applying for leave must make all necessary enquiries, and take all necessary steps, to ensure that the foreign country or territory where the person is giving evidence raises no objection, to the giving of evidence in that country or territory for court proceedings in Singapore. This may be done by any means that the party considers appropriate, including:

- (a) obtaining advice from a foreign lawyer qualified to advise on the laws of the relevant foreign country or territory;
- (b) making enquiries with the relevant authorities; or
- (c) obtaining permission from the relevant foreign country or territory, in accordance with any applicable procedure, for evidence to be given by a person located in that country or territory through a live video or live television link, if such permission is required.

(3) To avoid doubt, the proceedings mentioned in sub-paragraph (1) include all civil proceedings involving the examination of any person.